

MORGAN, LEWIS & BOCKIUS LLP
Richard W. Esterkin, SBN 70769
richard.esterkin@morganlewis.com
300 S Grand Ave Fl 22
Los Angeles CA 90071-3132
Tel: (213) 612-2500
Fax: (213) 612-2501

Attorneys for
Amazon Logistics, Inc.

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

SCOOBEEZ, et al.¹,

**Debtors and Debtors in
Possession.**

Affects:

- ☒ All Debtors
- ☐ Scoobeez, ONLY
- ☐ Scoobeez Global, Inc., ONLY
- ☐ Scoobur LLC, ONLY

Case No. 2:19-bk-14989-WB
Jointly Administered:
2:19-bk-14991-WB, and 2:19-bk-14997-WB

Chapter 11

**AMAZON LOGISTICS, INC.'S
EVIDENTIARY OBJECTIONS RE
MOTION FOR RELIEF FROM STAY**

Date: November 18, 2019
Time: 10:00 a.m.
Place.: United States Bankruptcy Court
Edward Roybal Federal Building
255 E Temple St., Ctrm 1375
Los Angeles CA 90012

Judge: The Hon. Julia W. Brand

Pursuant to the provisions of Local Rule 9013-1(i)(2), Defendant, Amazon Logistics, Inc., (“**Amazon Logistics**”), respectfully submits the following evidentiary objections to the Declaration of Sean M. McAvoy (Docket No. 418-1) requests that the Court strike the following portions of that declaration:

¹ The Debtors and the last four digits of their respective federal taxpayer identification numbers are as follows: Scoobeez (6339); Scoobeez Global, Inc. (9779); and, Scoobur, LLC (0343). The Debtors’ address is 3463 Foothill Boulevard, in Glendale, California 91214.

Objected to Portion of Declaration	Basis of Objection
<p>¶ 7: “On information and belief, the Debtors provide last-mile delivery solutions, providing same day, next day and two-day door-to-door logistics and delivery services utilizing vehicles to facilitate fast deliveries of goods directly from merchant distribution points to consumers.”</p>	<p>Fed.R.Evid. 602: The proffered testimony is stated on information and belief. Therefore, the declarant lacks personal knowledge of the subject matter of the proffered testimony.</p>
<p>¶ 8: “On information and belief since September 2015, the Debtors have one customer—Amazon Logistics, Inc. (“<u>Amazon Logistics</u>”). Scoobeez and Amazon Logistics are parties to a Delivery Provider Terms of Service which provides the substantive terms of the contract and a “work order” which sets forth the specific locations and pricing terms (the “<u>Amazon Agreement</u>”).”</p>	<p>Fed.R.Evid. 602: The proffered testimony is stated on information and belief. Therefore, the declarant lacks personal knowledge of the subject matter of the proffered testimony.</p>
<p>¶ 9: “On information and belief, Debtors have been entrusted with six percent of Amazon Logistics’ total shipment of goods directly from merchant distribution points to consumers, have been awarded the highest ratings of any DSP, and, until recently, been given increased numbers of</p>	<p>Fed.R.Evid. 602: The proffered testimony is stated on information and belief. Therefore, the declarant lacks personal knowledge of the subject matter of the proffered testimony</p>

1	routes.”	
2	¶ 10: “On information and belief, Debtors	Fed.R.Evid. 602: The proffered testimony is
3	were founded in 2014 and currently	stated on information and belief. Therefore, the
4	employ approximately 1000 employees,	declarant lacks personal knowledge of the subject
5	which typically increases during the	matter of the proffered testimony.
6	holiday season. Debtors are projected to	
7	generate in excess of \$45 million in annual	
8	revenue in 2019.”	
9	¶ 11: “On information and belief, Debtors’	Fed.R.Evid. 602: The proffered testimony is
10	employees are based in Los Angeles,	stated on information and belief. Therefore, the
11	California; Austin, Dallas, and San	declarant lacks personal knowledge of the subject
12	Antonio, Texas; and Chicago, Illinois,	matter of the proffered testimony.
13	most of whom work full-time for Debtors,	
14	and earn an average of \$30,000 to \$35,000	
15	a year.”	
16	¶ 12: “On information and belief, the	Fed.R.Evid. 602: The proffered testimony is
17	majority of the Debtor’s employees,	stated on information and belief. Therefore, the
18	including most of the drivers, come from	declarant lacks personal knowledge of the subject
19	underserved, low-income backgrounds	matter of the proffered testimony.
20	who depend on the income they receive	
21	from the company to support themselves	
22	and their families.”	
23	¶ 12: “Further, unlike at many delivery	Fed.R.Evid. 602: There is no foundation
24	companies, the Debtors’ employees receive	establishing that Mr. McAvoy has personal
25	full health coverage and are paid wages for	knowledge of the proffered testimony.
26	a day’s work even if they finish their routes	
27	early, minimizing the likelihood of	
28		

1	accidents due to frenetic driving.”	
2	¶ 22: “Since the CRO’s appointment, the	Fed.R.Evid. 602: There is no foundation
3	Debtors’ business has been profitable and	establishing that Mr. McAvoy has personal
4	cash flow positive.”	knowledge of the proffered testimony.
5	¶ 25: “Hillair’s proposed sale provided a	Fed.R.Evid. 602: To the extent that the quoted
6	means to employ virtually all of the	excerpt of Mr. McAvoy’s declaration purports to
7	Debtors’ approximately 1,000 employees,	compare the compensation that might be paid by
8	paying them far more than typically paid	the purchaser as a result of Hillair’s now
9	by other DSPs.”	terminated proposed acquisition of the Debtor’s
10		assets to the compensation paid by other DSPs,
11		there is no foundation establishing that Mr.
12		McAvoy has personal knowledge as to what
13		other DSPs pay their employees.

14
15 Dated: November 11, 2019

MORGAN, LEWIS & BOCKIUS LLP

16
17 By: /s/ Richard W. Esterkin
18 Richard W. Esterkin

19 Attorneys for Amazon Logistics, Inc.
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE FORM
FOR ELECTRONIC FILINGS

I hereby certify that on November 11, 2019, I electronically filed the foregoing document,
Amazon Logistics, Inc.'s Evidentiary Objections re: Motion For Relief From Stay, with the
Clerk of the United States Bankruptcy Court, Central District of California, Los Angeles
Division, using the CM/ECF system, which will send notification of such filing to those parties
registered to receive notice on this matter.



Renee Robles